

Consideration for preliminary adoption of amendment to 312 IAC 5-6-9 to establish permanent special boating zones on Tippecanoe Lake and James Lake; Administrative Cause No. 12-098L

The DNR requests that the Natural Resources Commission give preliminary adoption to the amendment to the Tippecanoe Lake and James Lake special boating zones. This rule will make permanent the special boating zone (ecozone) in the vicinity of Ball Wetland which lies between Tippecanoe and James Lakes. The present rule was adopted in March of 2009 but is set to expire on January 1, 2014. A citizen petition has been received that supports the renewal of the rule. The aquatic plant community has responded favorably in the vicinity of the ecozone as a result of the boating restrictions, and continued protection will likely cause even more improvement of the Ball Wetland. A fair amount of public opposition formed prior to the initial establishment of the ecozone, but opposition has silenced since the rule has been in place. Recreational users have likely accepted that even prior to the rule they were not using these shallow portions of Tippecanoe and James Lakes.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #13-

DIGEST

Amends 312 IAC 5-6-9 to remove expiration language to make permanent special boating zones on Tippecanoe Lake and James Lake; and to further clarify the operation of boats with electric-only trolling motors in the Flats on the west side of the Ball Wetlands in Tippecanoe Lake Effective thirty (30) days after filing with the Publisher.

312 IAC 5-6-9

SECTION 1. 312 IAC 5-6-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-6-9 Tippecanoe Lake and James Lake; special boating zones

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14

Sec. 9. (a) This section establishes special boating zones in Kosciusko County on Tippecanoe Lake, James Lake, and channels connected to these lakes. Oswego Lake is:

- (1) exempted from this section; and
- (2) controlled by 312 IAC 5-11-12.

(b) Except as provided in subsection (a), a person must not operate a boat in excess of ten (10) miles per hour on Tippecanoe Lake west of the east entrance to Bellrohr Channel. Bellrohr Channel connects to a basin of Tippecanoe Lake that is sometimes referred to as Oswego Lake.

(c) A person must not operate a boat with other than ~~a~~ **an electric** trolling motor or paddle in the Flats on the west side of the Ball Wetlands in Tippecanoe Lake. The boundary of the restricted zone:

(1) begins on shore at SPC 2210825 (UTM 4574804) north and SPC 306682 (UTM 605075) east at the mouth of the Grassy Creek Channel;

(2) continues in a northerly direction to the points:

(A) SPC 2211084 (UTM 4574883) north and SPC 306694 (UTM 605078) east;

(B) SPC 2211419 (UTM 4574985) north and SPC 306710 (UTM 605081) east;

(C) SPC 2211796 (UTM 4575102) north and SPC 307236 (UTM 605239) east;

(D) SPC 2212451 (UTM 4575304) north and SPC 307630 (UTM 605356) east;
and

(E) SPC 2212483 (UTM 4575315) north and SPC 307897 (UTM 605438) east;
and

(3) concludes on shore at the mouth of the channel to James Lake at SPC 2212515 (UTM 4575326) north and SPC 308232 (UTM 605540) east.

(d) A person must not operate a boat in excess of idle speed in the following areas:

(1) In Grassy Creek Channel south of the entrance to Tippecanoe Lake from a point at SPC 2211098 (UTM 4574886) north and SPC 306467 (UTM 605008) east.

(2) In the channel between Tippecanoe Lake and James Lake beginning with a point in eastern Tippecanoe Lake at SPC 2212629 (UTM 4575358) north and SPC 307582 (UTM 605341) east and ending with a point in western James Lake at SPC 2212481 (UTM 4575322) north and SPC 309636 (UTM 605968) east.

(3) In James Lake bordering the Ball Wetlands. The boundary of the restricted zone:

(A) begins at a point north of the channel to Tippecanoe Lake at SPC 2212864 (UTM 4575437) north and SPC 309179 (UTM 605826) east;

(B) continues in a southerly direction to the points:

(i) SPC 2212481 (UTM 4575322) north and SPC 309636 (UTM 605968) east;

(ii) SPC 2212626 (UTM 4575369) north and SPC 310139 (UTM 606120) east;

(iii) SPC 2212045 (UTM 4575194) north and SPC 310717 (UTM 606299) east;

(iv) SPC 2211233 (UTM 4574947) north and SPC 310629 (UTM 606276) east;

(v) SPC 2210783 (UTM 4574811) north and SPC 310971 (UTM 606382) east;

(vi) SPC 2209873 (UTM 4574533) north and SPC 310724 (UTM 606311) east;

(vii) SPC 2209521 (UTM 4574426) north and SPC 310856 (UTM 606353) east; and

(viii) SPC 2209302 (UTM 4574357) north and SPC 310387 (UTM 606211) east; and

(C) concludes with the southernmost point placed at SPC 2208961 (UTM 4574255) north and SPC 310797 (UTM 606338) east.

(4) Adjacent to Hoy's Landing in Tippecanoe Lake just north of the channel to James Lake. The boundary of the restricted zone:

(A) begins from shore at SPC 2213327 (UTM 4575570) north and SPC 307522 (UTM 605320) east;

(B) continues in a southeasterly direction to the points:

(i) SPC 2213107 (UTM 4575503) north and SPC 307546 (UTM 605328) east;

(ii) SPC 2212831 (UTM 4575419) north and SPC 307581 (UTM 605340) east; and

(iii) SPC 2212806 (UTM 4575414) north and SPC 307997 (UTM 605467) east; and

(C) concludes on shore at SPC 2212759 (UTM 4575401) north and SPC 308357 (UTM 605577) east.

(e) In order to be effective, a zone established under this section must include buoys placed on site under 312 IAC 5-4.

~~(f) Subsections (c) and (d) expire on January 1, 2014. (Natural Resources Commission; 312 IAC 5-6-9; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2374, eff Jan 1, 2002; readopted filed May 29, 2008, 1:53 p.m.: 20080625-IR-312080057RFA; filed Mar 2, 2009, 1:22 p.m.: 20090401-IR-312080295FRA; errata filed Jun 2, 2009, 10:29 a.m.: 20090624-IR-312090386ACA)~~